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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/311,188	05/13/1999	DEBORAH L. PINARD	3988	9904

7590 11/07/2003

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EXAMINER

SING, SIMON P

ART UNIT	PAPER NUMBER
2645	12

DATE MAILED: 11/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/311,188	PINARD, DEBORAH L.
	Examiner	Art Unit
	Simon Sing	2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.

- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.

- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.

- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 07 August 2003.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1, 4-26 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1, 4-6, 8, 14-17 and 20-26 is/are rejected.

7) Claim(s) 7,9-13,18 and 19 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 20-26 provide a computer for displaying a three-dimensional graph, but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

Claims 20-26 are rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 8, 15, 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonough et al. US 6,115,693 in view of Morrison et al. US 5,623,540.

2.1 Regarding claims 1 and 20, McDonough discloses a Quality Center for a Virtual Sales and Service Center in figures 1-7. McDonough's system comprising:

a network for connecting different resources at the Virtual Sales and Service Center, such as Employee Phone 340, Employee Workstation 342, VRU 320, Servers 250, 354, 358 and 356 (figure 3);

a plurality of applications [residing in servers 350-356] connected to said network for handling a different type of communication and storing information concerning incoming communications directed to users (agents) of said Virtual Sales and Service Center;

at least one computer [located in quality center 390; column 11, lines 35-67] connected to said network and received said incoming communications information from selected applications, said computer including a display and a view application for generating a three dimensional representation on said display, wherein said three dimensional [3-D] representation includes a first axis denoting access method, a second axis denoting resources [types of communications] accessed and a third axis denoting communication initiators [caller categories] (figure 1; column 5, lines 58-67; column 6, lines 1-37).

McDonough teaches displaying, in thee dimensional representation, types of incoming communications, categories of the incoming communications and methods of incoming communication. McDonough also teaches monitoring the volume of incoming call and number of calls on hold, but fails to include the number of incoming calls in the three dimensional representation.

However, Morrison discloses a PBX data retrieval system in figures 1-18. Morrison teaches the PBX may be used in an automatic call distribution [ACD] system, such as a service center (column 1, lines 26-39; column 14, lines 51-67; column 16, lines 36-41). Morrison further teaches using three dimensional representation of incoming call records, such as a "x" axis representing time, a "y" axis representing groups [call categories] receiving incoming calls and a "z" axis representing the total number of call received by each groups (figure 12, item 1217; column 21, lines 24-38).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the McDonough's reference with the teaching of Morrison so that the first axis would have been used to display the total number of calls received by each communication resource [type], because the original first axis and the second axis represented similar information and such a modification would have given a better 3-D representation of the incoming calls.

2.2 Regarding claim 8, the McDonough's reference, modified by Morrison, McDonough teaches incoming communications includes e-mail, fax telephone calls and Web messages (figure 1, items 108-118; figure 3, servers 350-356).

2.3 Regarding claims 15 and 16, McDonough discloses a Quality Center for a Virtual Sales and Service Center in figures 1-7. McDonough's system comprising:

    a network for connecting different resources at the Virtual Sales and Service Center, such as Employee Phone 340, Employee Workstation 342, VRU 320, Servers 250, 354, 358 and 356 (figure 3);

    a plurality of applications [residing in servers 350-356] connected to said network for handling a different type of communication and storing information concerning incoming communications directed to users (agents) of said Virtual Sales and Service Center;

    a plurality of computers [located in quality center 390; column 11, lines 35-67] connected to said network and received said incoming communications information from selected applications;

    a view application within each computer for generating a three dimensional representation on said display, wherein said three dimensional [3-D] representation includes a first axis denoting access method, a second axis denoting resources [types of communications] accessed and a third axis denoting communication initiators [caller categories] (figure 1; column 5, lines 58-67; column 6, lines 1-37).

McDonough teaches displaying, in thee dimensional representation, types of incoming communications, categories of the incoming communications and methods of incoming communication. McDonough also teaches monitoring the volume of incoming

call and number of calls on hold, but fails to include the number of incoming calls in the three dimensional representation.

However, Morrison discloses a PBX data retrieval system in figures 1-18.

Morrison teaches the PBX may be used in an automatic call distribution [ACD] system, such as a service center (column 1, lines 26-39; column 14, lines 51-67; column 16, lines 36-41). Morrison further teaches using three dimensional representation of incoming call records, such as a "x" axis representing time, a "y" axis representing groups [call categories] receiving incoming calls and a "z" axis representing the total number of call received by each groups (figure 12, item 1217; column 21, lines 24-38).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the McDonough's reference with the teaching of Morrison so that the first axis would have been used to display the total number of calls received by each communication resource [type], because the original first axis and the second axis represented similar information and such a modification would have given a better 3-D representation of the incoming calls.

3. Claims 4-6, 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonough et al. US 6,115,693 in view of Morrison et al. US 5,623,540 and further in view of Ravenscroft et al. US 6,46,663.

3.1 Regarding claims 4, 6 and 17, the McDonough's reference, modified by Morrison, teaches sing a 3-D [x, y, z axes] graph to represent incoming communications, but fails

to teach that the size of each type of incoming communication represent the numbers of incoming communications.

However, Ravenscroft discloses a monitoring system for a call center in figures 1-11. Ravenscroft teaches that from a table, call information can be display in a graph, and the height [size] of the graph represents the number of calls (figure 11, item 258).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the McDonough's reference, which was modified by Morrison, with the teaching of Ravenscroft, so that the size of each type of incoming communication would have represented the number of incoming communications, because such modification would have given a proportional 3-D representation of the incoming calls, since one of the axis was already denoting the number of incoming communication.

3.2 Regarding claim 5, the McDonough's reference, modified by Morrison and Ravenscroft, McDonough teaches that each type [resource accessed] of incoming communication appears on said 3-D representation at spaced locations (figure 1, items 108-118).

3.3 Regarding claim 14, the McDonough's reference, modified by Morrison and Ravenscroft, McDonough teaches that the view application is configurable by a user (column 11, lines 41-46).

***Allowable Subject Matter***

4. Claims 7, 9-13, 18 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Claims 7 and 18 (claim 19 depends on claim 18) subdivide categories of incoming communication into read and unread, and claim 9 (claims 10-13 depend on claim 9) subdivides incoming voice mail into internal and external caller, and e-mail into subject matters. These claimed features are not disclosed by McDonough, Morrison and Ravenscroft, either alone or in combination.

***Response to Arguments***

5. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

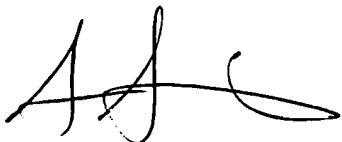
***Conclusion***

6. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is (703) 305-3221. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.



S.S.

11/03/2003

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

